THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-11-2005

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WRIT PETITION No.25267 of 2005

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Between:

B.VenkataKrishna Rao . . .Petitioner

And

The Managing Director, Nizam Sugars Ltd., Hyderabad,

and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25267 of 2005

O R D E R:

The petitioner joined in Nizam Sugars Limited, Basheerbagh, Hyderabad, the first respondent herein, as Assistant Engineer (Civil) in the year 1987. Thereafter, he was promoted as Deputy General Manager. He contends that the first respondent introduced Voluntary Retirement Scheme to different kinds of

employees, but in his case, the benefit was not extended, despite his representation. The first respondent issued a Service Certificate, dated 19-08-2003, to the petitioner stating that he was terminated from the services of the company with effect from 31-10-2002.

The petitioner challenges the Service Certificate, dated 19-08-2003, on the ground that though a charge sheet was issued to him on 23-02-2002 alleging unauthorized absence, no enquiry was conducted thereafter, much less an order of termination was communicated to him.

Heard the learned counsel for the petitioner and learned Standing Counsel for the first and second respondents.

Through the impugned proceedings, the first respondent informed the petitioner that the latter was terminated from service with effect from 31-10-2002. The petitioner has been pursuing the claim for voluntary retirement, not being aware of the order of termination, obviously because, he did not receive a copy of the same. Be that as it may, once the petitioner was informed of the fact that he has been terminated from service with effect from 31-10-2002, much before the Voluntary Retirement Scheme was introduced, no relief can be granted to him in this writ petition. If the petitioner feels aggrieved, he has to canvass his remedies against the order of termination. It is stated that under the relevant Service Rules, an appeal against an order of termination, lies to the Board of Directors.

Therefore, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of appeal. The first respondent shall furnish a copy of the order of termination to the petitioner, within one week from the date of submission of his representation for this purpose. If the petitioner presents an appeal within a period of four weeks from the date of receipt of copy of the order of termination, the appellate authority shall entertain the same, as having been filed within the period of limitation. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

28th NOVEMBER, 2005.

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